

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ELEAZAR GARCIA,

Defendant.

8:06CR272

ORDER

This matter is before the court on the motion for an extension of time by defendant Eleazar Garcia (Garcia) (Filing No. 18) and Garcia's motion for continuance of trial (Filing No. 19). Garcia seeks an additional ten (10) days in which to file pretrial motions in accordance with the progression order, as amended (Filing Nos. 8 and 16). Garcia's counsel represents that counsel for the government has no objection to the motion. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Defendant Garcia's motion for an extension of time (Filing No. 18) is granted. Defendant Garcia is given until **on or before November 1, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 19, 2006 and November 1, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Defendant Garcia's motion to continue trial (Filing No. 19) is granted. Trial will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

DATED this 19th day of October, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge